

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

NOLAN JOHNSON, #210912

Plaintiff(s),

CASE NO.: 05-CV-60101-DT

vs.

HON. JOHN CORBETT O'MEARA
MAG. JUDGE WALLACE CAPEL, JR.

PATRICIA CARUSO, et. al.,

Defendant(s).

_____ /

ORDER GRANTING DEFENDANTS'
MOTION FOR PROTECTIVE ORDER STAYING DISCOVERY

This matter is before the Court on the Defendants' "Motion For Protective Order Staying Discovery," filed on December 5, 2005. In their motion, the Defendants are requesting that the court stay discovery in this matter pending disposition of the main issues in this civil action. Defendants state that they were served with discovery requests on August 30, 2005, prior to their receipt of the Complaint in this matter which was served upon them on November 4, 2005.

The Defendants further indicate that they intend to move for dismissal of this action. A Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted was filed on December 21, 2005.

Pursuant to Rule 26(b)(2)(iii) of the Federal Rules of Civil Procedure, the Court may limit discovery based upon the "burden or expense of the proposed discovery outweighs its likely benefit...."; and Rule 26(c)(1) of the Federal Rules of Civil Procedure that the for good cause being demonstrated, the discovery not be permitted at this time.

Having considered the motion, the reasons stated therein, and the fact that the Defendants have filed a dispositive motion in this instant action, the motion to stay discovery shall be and is hereby **GRANTED**.

IT IS SO HEREBY ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within 10 days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: January 6, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on **January 6, 2006**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Cori E. Reyes, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Nolan Johnson, #210912, Parnall Correctional Facility, 1780 E. Parnall, Jackson, MI 49201

s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
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